



Braintree Town Council

ORDER NO: 21 028

DATE FILED: MAY 18, 2021

REQUEST OF: THE MAYOR

UPON THE REQUEST OF HIS HONOR, THE MAYOR, THE TOWN OF BRAINTREE, THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:

To approved Order 21 028 as submitted:

Title 8: Health and Safety
Chapter 8.800: Anti-Blight Program

8.800.010: Purpose

The purpose of this chapter is to address commercial and industrial properties throughout the Town of Braintree that are in a blighted and/or vacant condition. Many of these properties are essentially abandoned and in violation of multiple aspects of state and local building and sanitary codes. Blighted conditions contribute to the decline of neighborhoods, negatively impact the economic well-being of the Town and have the potential to cause adverse conditions to the health, safety and welfare of the residents. Additionally, such blighted and/or vacant properties may provide a location for temporary occupancy by transients and persons engaged in criminal activity. These properties create significant costs to the Town by virtue of the need for consistent monitoring and frequent boarding and securing.

Many blighted and/or vacant properties can be rehabilitated, redeveloped, demolished and/or reused to provide safe, decent and sanitary uses, thereby increasing the quality of life for the public, occupants, abutters and neighborhoods.

8.800.020: Definitions

The following definitions shall apply in the interpretation and implementation of this chapter:

Blighted Premises

Any commercial or industrial building, structure, parcel of land, or any part of a commercial or industrial building or structure that is a separate unit in which at least one of the following conditions exist:



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- A. It is not being adequately maintained and secured as documented by the enforcement officer (as defined herein) based upon, but not limited to, the following factors:
1. missing, broken or boarded up windows or doors for more than thirty (30) days;
 2. collapsing or missing walls, roof or floor;
 3. siding that is seriously damaged or missing;
 4. extensive fire or water damage;
 5. a foundation that is structurally faulty;
 6. the failure to remedy graffiti within thirty (30) days;
 7. the exterior storage or accumulation of junk, trash, litter, bottles, cans, rubbish or refuse of any kind, except for domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed fifteen (15) days. The term "junk" shall include parts of machinery or motor vehicles, used stoves, refrigerators or other cast off material of any kind whether or not the same could be put to any reasonable use unless such items are customarily used in connection with a lawfully operating business;
 8. gravel, rocks and dirt piles stored by the owner for purposes of construction and/or landscaping and said item(s) remain stored for more than twelve (12) months upon the owner's premises unless such items are customarily used in connection with a lawfully operating business;
 9. storage of abandoned or unregistered vehicles or trailers unless such items are customarily used in connection with a lawfully operating business;
 10. overgrown vegetation that may harbor vermin or pests, conceal pools of stagnant water or other nuisances or which is otherwise detrimental to neighboring properties or property values and which is not grown to serve conservation purposes;
 11. dead, decayed, diseased or hazardous trees, shrubs or any vegetation that may pose a hazard to the health and safety of any person in the vicinity of the property or which is otherwise detrimental to neighboring properties or property values and which has not been removed to serve conservation purposes; or
 12. overgrown grass of at least two feet that is not grown to serve conservation purposes.



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- B. It has been cited for violations as documented by the Building Inspector, the Director of the Board of Health, the Chief of Police, the Fire Chief and/or their designated agents, which violations have not been corrected;
- C. Conditions causing a public nuisance, harboring vermin or pests, presenting a threat to public health or safety, or which is a fire hazard as determined by the Fire Chief or his designee, or is attracting illegal activity as determined by the Police Department;
- D. Because of fire, wind or other natural disaster, or because of physical deterioration, it is no longer useful for the purpose for which it was originally intended;
- E. Is a vacant property as defined hereunder that is not being maintained in accordance with Section 8.800.030; or
- F. It is determined by the Building Inspector and/or the Director of the Board of Health that the building, structure or parcel of land is in a condition that poses a serious threat to safety, health, morals and general welfare of the Town.

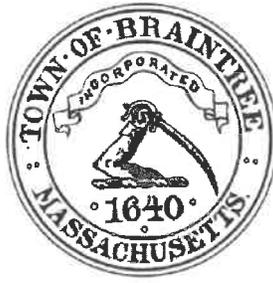
Enforcement Officer

The Building Inspector and Director of the Board of Health and/or their designated agents.

Owner

Any individual, business entity, voluntary association or non-profit organization, and quasi-governmental entities (i.e., Braintree Housing Authority and Braintree Electric Light Department) that alone or jointly or severally with others:

- A. Has legal or equitable title to any building, structure or property or parcel of land, vacant or otherwise;
- B. Has care, charge or control of any such building, structure or property in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title;
- C. Is a lessee under a written agreement;
- D. Is a mortgagee in possession of any such property;
- E. Is an agent, trustee or other person appointed by the courts and vested with possession or control of such building, structure or property; or
- F. Is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.



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Property

Any privately owned commercial or industrial property or portion thereof, located in the Town, including any buildings, structures or other personal property on the parcel.

Vacant Property

Any commercial or industrial property that is unoccupied for a period greater than one hundred eighty (180) consecutive days and any residential property that is unoccupied for a period greater than ninety (90) days by the person or persons with legal right to occupancy thereof, except for bona fide temporary absences.

8.800.030 Creation or Maintenance of Blighted Premises Prohibited

- A. No owner of property located within the Town shall allow, create, maintain or cause to be created or maintained any blighted premises.
- B. Maintenance of Vacant Properties – Requirements

Owners of vacant properties, including commercial, industrial and residential, must fulfill the following minimum adequate maintenance requirements for any such property they own:

1. Maintain vacant properties in accordance with the relevant sanitary, building and fire codes;
2. Secure vacant properties so as to prevent unauthorized entry and exposure to the elements;
3. Maintain vacant properties in a manner that ensures their external/visible maintenance, including but not limited to, the maintenance of major systems, the removal of trash and debris, and the upkeep of lawns, shrubbery and other landscape features;
4. Repair or replace broken windows or doors. The boarding up of any doors or windows is prohibited except as a temporary measure for no longer than thirty (30) days; and
5. For properties vacant for six (6) months or more, the utilities must be shut off, removed or cut and capped to prevent accidents.



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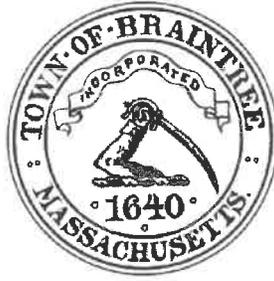
C. Enforcement

1. Investigation. The enforcement officer(s) shall undertake an investigation of any alleged violation of this section upon their own initiative or upon receipt of a complaint from any individual, civic organization, neighborhood group, governmental entity or other affected agency. In conducting investigations, the Building Inspector shall coordinate inspections by and among the Board of Health, the Chief of Police and the Fire Chief, or their designees, as the Building Inspector deems appropriate to ensure that this Ordinance is enforced.

In making such inspection, the Building Inspector, and/or the Board of Health, the Chief of Police and the Fire Chief, or their designees, shall have such right of access to premises that may be lawfully exercised by him/her under the laws and constitution of the Commonwealth or of the United States.

2. Order to take corrective action. In the event that a violation of this chapter has occurred, the enforcement officer shall serve notice of the violation and an order to correct such violation on the owner of the property by certified mail or by handing a copy of the notice and order to the intended recipient. A copy of the notice and order shall also be provided to the district councilor representing the district where the property is located. The order shall require the owner to bring the property into compliance with the requirements of the notice within thirty (30) days of receipt. In the event of demonstrated hardship, an extension or extensions may be granted at the discretion of the enforcement officer.

If the Building Inspector determines that the condition is subject to the jurisdiction of the Board of Health or is a violation of the State Sanitary Code or any health regulation, in addition to enforcing this chapter, s/he shall refer the matter to the Board of Health or any other appropriate state or local officials for action.



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Failure to comply. Should the property owner fail to comply, or neglect or refuse to take the corrective action specified in the notice, the Building Inspector may make complaint to the Superior Court or any court of competent jurisdiction seeking an injunction or order restraining any further use of the property and the continuation of the violation and shall take such other action as is necessary to enforce the provisions of this chapter.

Further, if the violation continues, the Town may undertake such repairs or other corrective action when in its judgment a failure to do so will endanger the health, safety or welfare of the public. Notice of the intention of the Town to make such repairs or other corrective action shall be served on the owner by the means provided for service in section B(2) herein.

3. Recovery of costs. When repairs are made or other corrective action is taken by the Town, the costs of such repairs and enforcement action shall constitute a debt in favor of the town against the owner of the blighted premises. In the event that the property owner fails, neglects or refuses to pay the debt within thirty (30) days of the debt receipt, the Town shall take action to collect the debt. Such action may include placing a lien on the property and/or initiating a civil action in a court of competent jurisdiction for the balance due. Lenders foreclosing on a property may seek waiver of such costs that accrued before possession by lender, which the Town may consider in its sole discretion.
4. Enforcement authority. The enforcement authority under this section shall be in addition to and not in place of any other existing authority under any relevant ordinance or General Law. If any conflict exists under this section and any other authority, then the legal authority that provides the Town with the greatest authority and the maximum flexibility in enforcement shall govern.



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D. Penalties

Each separate offense of this chapter shall be punishable by a fine of \$300.00. Each violation of any provision of this chapter shall be considered a separate offense and each day that any violation continues shall constitute a separate offense.

The imposition of any fine from this section shall not be construed to prevent enforcement of any other ordinances, laws or regulations of the same property nor prevent other enforcement measures or fines, including civil or legal action against the owner to require compliance with the order. Failure to pay any fine arising from the enforcement of this chapter shall constitute a debt in favor of the Town. The Town may place a lien on the property for such debt and/or may initiate a civil action against the owner in a court of competent jurisdiction to recover the debt. Lenders foreclosing on a property may seek waiver of any such fines that accrued before possession by lender, which the Town may consider in its sole discretion.

YEAS: Boericke, Flaherty, Hume, Mackin, Ryan, Ringius, Sciascia

NAYS: O'Brien

ABSENT: Connors

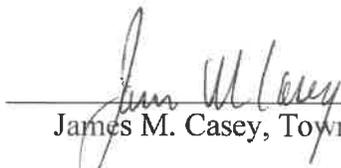
PASSED IN COUNCIL: NOVEMBER 3, 2021

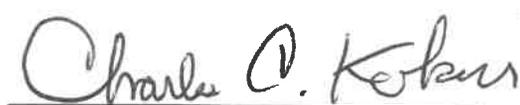
PRESENTED TO MAYOR: NOVEMBER 5, 2021

A True Record, Attest:

11-10-2021

Date Approved


James M. Casey, Town Clerk


Charles C. Kokoros, Mayor